

APPENDIX D. Proposition 200—Water Consumer Protection Act

Public Initiative Petition 1994-I001

Section 1.

The purpose of this article is to restore first class drinking water to the people of Tucson and replenish Tucson's groundwater supply by amending Chapter 27 of the Tucson Code and adding a new Article VI providing for use of water resources.

Section 2.

Chapter 27 of the Tucson Code is amended by adding Article VI to read:

Article VI

Water Consumer Protection Act

Section 27-90. METHOD.

The City of Tucson shall use only groundwater from unpolluted sources as its potable water supply for a five year interim period beginning on the effective date of this article, except as specially provided in section 27-91.

1. The City of Tucson shall take the necessary actions to ensure that it is in total compliance with its existing contract for Central Arizona Project (CAP) water.
2. For five years from the effective date of this article, CAP water delivered to the City of Tucson shall be used only for one or more of the following purposes.
 - for selling or exchanging water under the terms of the City's existing CAP subcontract.
 - to preserve Tucson's groundwater for domestic use by replacing groundwater which would otherwise have been withdrawn for uses other than as potable water such as agriculture, mining or other industry.
 - to prevent land subsidence and augment Tucson's groundwater supply by basin and stream bed recharge.
 - to replace other water supplies currently being employed for industrial and landscape irrigation use including parks, golf courses and schools.
 - for direct well injection if it is treated as described in section 27-91 and is free from disinfection byproducts.

Section 27-91. Exception.

Notwithstanding any other provision of this Article, CAP water may be directly delivered as a potable water supply only if it is treated in a manner sufficient to ensure that the quality of the delivered water is equal to or better in salinity, hardness and dissolved organic material than the quality of the groundwater being delivered from Tucson's Avra Valley well field on the effective date of this article.

Section 27-92. Recharge.

The City of Tucson shall not recharge water in any area that contains or is adversely effected by toxic landfills.

1. To prevent land subsidence within the City of Tucson's central well field, all groundwater withdrawals shall be completely replenished, as measured over any

five year period, using recharge including recharge of CAP water treated as provided in Sections 27-90.(3).

Section 27-93. Definitions.

In this article, unless the context otherwise requires:

1. "Pollution" means the presence of an amount of any substance in groundwater which exceeds any standard prescribed by the laws of the State of Arizona or the United States for potable water.
2. "Disinfection Byproducts" are the chemical compounds formed when chlorine, ozone or chloramines are used to disinfect water containing dissolved organic material.

Section 3.

Five years after the effective date of this ordinance, the Mayor and Council of the City of Tucson may, upon a majority vote, submit to the registered voters of the City for approval at a City of Tucson general election a proposal to repeal or modify Article VI of Chapter 27 of the Tucson Code as added by this ordinance.

Section 4. Severability.

If a provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.